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April 6, 2022

**VIA ECF and E-mail**

John Campolieto, Esq.  
Municipal Attorney  
City of Rochester Law Department  
30 Church Street-Room 400A  
Rochester, New York 14614

Re: *Vann v. City of Rochester, et al.*,  
18-cv-6464

Dear Mr. Campolieto,

At the deposition of Investigator Tomesha Angelo, I informed you that the City had not produced the relevant training records for Investigator Angelo or any of the other defendants, and made an oral demand for same. I write to follow up on the oral demand for said training records, and to specify what outstanding paper discovery must be produced prior to any further depositions.

Per the order at ECF 57, resolving Plaintiff's motion to compel, Defendants were required to supplement the discovery responses to numerous RFPs. Defendants never provided supplemental responses as required by the order. Specifically, the order states:

**10. Defendants to Supplement their RFP Responses:** Defendants agreed and shall supplement their RFP responses to specify by Bates number which documents are responsive to each specific request. Defendants agreed and shall respond to each RFP separately. For any objections that were not waived and/or stricken, Defendants agreed and shall "state with specificity the grounds for objecting to the request, including the reasons," and shall "state whether any responsive materials are being withheld on the basis of that objection," as required by Rule 34(b)(2)(B) and (C). However, where Defendants assert the same objections to numerous requests, they may respond to the requests collectively, but must state if responsive materials are being withheld on the basis of said objections. The RFPs to be supplemented include each RFP to which they asserted "bulk" responses: RFP Nos. 54–66, 67–69, 70–72, 73–82, 83–93, and 120–124.

**11. RFP Responses Referencing “Shared Files” etc. to be Supplemented:** Defendants agreed and shall withdraw the portion of every RFP response where Defendants responded by stating “See all Shared File Links and portal links”, “See Shared File 3”, by directing Plaintiff to search for data on a website. Defendants agreed to and shall supplement each such request to specify by Bates number which documents are responsive to each specific request. To the extent responsive materials are contained on any websites, Defendants must produce said materials, and where applicable and not previously indicated, Bates number them. This includes: the “General Objections” and RFP Nos. 24, 36, 41, 42, 43, 44, 45, 47, 48, 51, 52, 83–93, 94–120.

**12. Defendants waived certain RFP Objections:** Defendants waived the objections to each RFP where Defendants responded by stating an objection to the RFP, but then responded to the RFP, either by stating “notwithstanding and without waiving these or the general objections,” or otherwise. *Fischer v. Forrest*, No. 14 Civ. 1304 (PAE) (AJP), 2017 WL 773694 at \*3 (S.D.N.Y. Feb. 28, 2017); *Edwards v. Hearst Commc’ns*, No. 15-CV-9279 (AT) (JLC), 2017 WL 6458612, at \*6 (S.D.N.Y. Dec. 18, 2017). Defendants agreed and shall supplement said RFP responses by withdrawing the objections, and where applicable and not previously indicated, specifying by Bates number which documents are responsive to each specific request. This includes RFP nos.: 2, 4, 6, 7, 8, 12, 13, 18, 19, 20, 21, 23, 25, 26, 27, 28, 29, 33, 34, 35, 36, 40, 41, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53.

**13. Other Specific Supplemental RFP Responses:** Defendants agreed to and shall supplement their responses, where applicable and not previously indicated, to specify by Bates number which documents are responsive to each specific request, and shall produce all responsive materials for RFPs No: 9, 10, 11, 22, 24, 31, 37, 38, 39.

The purpose of the supplemental responses was for Plaintiff and the Court to easily tell what documents that were produced were responsive to each specific RFP. When preparing for Investigator Angelo’s deposition, I realized the City had not produced any of the training records for Investigator Angelo in response to various demands, including RFP 54, and had not provided the supplemental responses, as required.

There appears to be many demands that the City has not responded to, but again, Plaintiff is unable to fully assess which documents remain outstanding until the City provides supplemental discovery responses as required by the order.

To ensure that we can continue with depositions, within 30 days, or by May 5, 2022, please provide (1) the supplemental responses referenced above and (2) all documents responsive to RFPs: 19-23, 37-38, 54-57, 98-109. Thank you,

I remain,

Very truly yours,

~/s/~

Elliot D. Shields